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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/824,132	STEPHENSON ET AL.
	Examiner	Art Unit	
	Ajay M Bhatia	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>5-23-2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-46</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-46</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date 05|23|02

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

1.   Claims 1-46 are pending.

2.   Claims 1-46 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-3, 7-8, 11-33 and 36-46 are rejected under 35 U.S.C. 102(b) as being

anticipated by TunnelBuilder for Mac User's Guide.

4.   For claim 1, TunnelBuilder teaches, a system for establishing communications

across a firewall comprising:

a communications network;

a first server within said communications network; a first computer separated from said

communications network, said first computer sending information to said first server;

and,

a second computer separated from said communications network, said second

computer receiving information from said first server related to the information sent from

said first computer, wherein at least one of said first computer and said second

computer are separated from said communications network by at least one firewall. (see

Tunnel Builder for Mac User's Guide, Chapter 1, see images pages 1-2, 1-3)

5.   For claim 2, TunnelBuilder teaches, the system according to claim 1, wherein said first computer transmits a message to said first server with an encrypted message and said server transmits said encrypted message to said second computer. (see Tunnel Builder for Mac User's Guide, Chapter 1, page 1-3)

6.   For claim 3, TunnelBuilder teaches, the system according to claim 1, wherein said first computer transmits a message to said first server with an encrypted address of said second computer and wherein said first server decrypts said encrypted address to an unencrypted address of said second computer and forwards said message to said second computer using said unencrypted address. (see Tunnel Builder for Mac User's Guide, Chapter 1, see images pages, 1-1 and 1-3)

7.   For claim 7, TunnelBuilder teaches, the system according to claim 1, wherein the information received at said second computer has the same content as the information sent from said first computer. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1)

8.   For claim 8, TunnelBuilder teaches, the system according to claim 1, wherein the information received at said second computer has different but related content as the information sent from said first computer. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1)

9.   For claim 11, TunnelBuilder teaches, the system according to claim 1, further comprising: at least a third computer, wherein at least said third computer receives information from said first server related to the information sent from said first computer, wherein at least said third computer is separated from said communication network by at least one of said first or at least a second firewall. (see Tunnel Builder for Mac User's Guide, Chapter 1, see images and page 1-3)

10.   For claim 12, TunnelBuilder teaches, the system according to claim 1, wherein a communication pathway between said first server and at least one of said first computer and said second computer is kept open by repeated transmissions from said first server. (see Tunnel Builder for Mac User's Guide, Chapter 3, see page 3-17)

11.   For claim 13, TunnelBuilder teaches, the system according to claim 1, wherein a communication pathway between said first server and at least one of said first computer and said second computer is kept open by repeated transmissions from at least one of said first computer and said second computer. (see Tunnel Builder for Mac User's Guide, Chapter 3, see page 3-17)

12.   For claim 14, TunnelBuilder teaches, the system according to claim 1, wherein said first computer transmits a message to said first server with a header, the header including at least an encrypted address of said second computer and wherein said first server decrypts said encrypted address to an unencrypted address of said second

computer and forwards said message to said second computer using said unencrypted address. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1)

13.   For claim 15, TunnelBuilder teaches, the system according to claim 1, wherein said first computer transmits a message to said first server with a header, the header including at least one of an encrypted header, an encrypted size, an encrypted CRC, an encrypted header length, an encrypted message length, an encrypted asset identifier, an encrypted name of at least one client, and an encrypted application ID, an encrypted time and date stamp, an encrypted location ID, an encrypted message types, an encrypted attachment identifier, an encrypted packet number, and an encrypted pre-compressed data size for an associated message. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1)

14.   For claim 16, TunnelBuilder teaches, a method for transmitting information across a network comprising the steps of: receiving an encrypted address of a second computer from a first computer; receiving an encrypted message from said first computer; decrypting said encrypted address into an unencrypted address of said second computer; and, transmitting said encrypted message to said second computer. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1)

15.   For claim 17, TunnelBuilder teaches, the method according to claim 16, wherein

said encrypted message is also compressed. (see Tunnel Builder for Mac User's Guide,

Chapter 1, see page 1-1)

16.   For claim 18, TunnelBuilder teaches, the method according to claim 16, wherein

said encrypted address is associated with a header, the header including at least one of

an encrypted header, an encrypted size, an encrypted CRC, an encrypted header

length, an encrypted message length, an encrypted asset identifier, an encrypted name

of at least one client, and an encrypted application ID, an encrypted time and date

stamp, an encrypted location ID, an encrypted message types, an encrypted attachment

identifier, an encrypted packet number, and an encrypted pre-compressed data size for

an associated message. (see Tunnel Builder for Mac User's Guide, Chapter 1, see

page 1-1)

17.   For claim 19, TunnelBuilder teaches, a method for transmitting information

across a network comprising the steps of: receiving an encrypted address of a second

computer from a first computer;

receiving an encrypted message from said first computer;

decrypting said encrypted address into an unencrypted address of said second

computer; and,

transmitting said encrypted message to said second computer, wherein at least one of

said receiving steps and said transmitting step includes receiving or transmitting through

a firewall. (see Tunnel Builder for Mac User's Guide, Chapter 1, see pages 1-1 and 1-3)

18.   For claim 20, TunnelBuilder teaches, the method according to claim 19, wherein

said encrypted message is also compressed. (see Tunnel Builder for Mac User's Guide,

Chapter 1, see page 1-1)

19.   For claim 21, TunnelBuilder teaches, a computer-readable medium storing a

program for transmitting information across a network, said program comprising the

steps of: receiving an encrypted address of a second computer from a first computer;

receiving an encrypted message from said first computer; decrypting said encrypted

address into an unencrypted address of said second computer; transmitting said

encrypted message to said second computer, wherein at least one of said receiving

steps and said transmitting step includes receiving or transmitting through a firewall.

(see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-3 and see image)

20.   For claim 22, TunnelBuilder teaches, the computer readable medium according

to claim 21, wherein said encrypted message is also compressed. (see Tunnel Builder

for Mac User's Guide, Chapter 1, see page 1-1)

21.   For claim 23, TunnelBuilder teaches, a method for transmitting information across a network comprising the steps of: encrypting an address of a second computer at a first computer; encrypting a message; transmitting to a server said encrypted address and said encrypted message, wherein said server later decrypts said encrypted address and transmits said encrypted message to said second computer. (see Tunnel Builder for Mac User's Guide, Chapter 1, see pages 1-1 and 1-3, also see images)

22.   For claim 24, TunnelBuilder teaches, a method for transmitting information across a network comprising the steps of: encrypting an address of a second computer at a first computer; encrypting a message; transmitting to a server said encrypted address and said encrypted message, wherein said server later decrypts said encrypted address and transmits said encrypted message to said second computer, wherein at least one of said first computer and said second computer are separated from a server by a firewall. (see Tunnel Builder for Mac User's Guide, Chapter 1, see pages 1-1 and 1-3, also see images)

23.   For claim 25, TunnelBuilder teaches, a computer-readable medium storing a program for transmitting information across a network, said program comprising the steps of: encrypting an address of a second computer at a first computer; encrypting a message; transmitting to a server said encrypted address and said encrypted message, wherein said server later decrypts said encrypted address and transmits said

encrypted message to said second computer. (see Tunnel Builder for Mac User's

Guide, Chapter 1, see page 1-1 and 1-3, also see images)

24.   For claim 26, TunnelBuilder teaches, a computer readable medium storing a

program for transmitting information across a network, said program comprising the

steps of: encrypting an address of a second computer at a first computer; encrypting a

message; transmitting to a server said encrypted address and said encrypted

message, wherein said server later decrypts said encrypted address and transmits said

encrypted message to said second computer, wherein at least one of said first computer

and said second computer are separated from said server by a firewall. (see Tunnel

Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

25.   For claim 27, TunnelBuilder teaches, a system for transmitting information

between a first computer and a second computer comprising: a first application; a first

computer hosting a first client, said first client receiving data from said first application,

said first computer transmitting said data to a server, said server forwarding said data to

a second client residing on said second computer, said second client forwarding said

data to at least a second application, wherein at least one of said first computer and

said second computer are separated from said server by a firewall. (see Tunnel Builder

for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

26.   For claim 28, TunnelBuilder teaches, the system according to claim 27, wherein

said first application is hosted by a third computer that communicates with said first

computer. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3,

also see images)

27.   For claim 29, TunnelBuilder teaches, the system according to claim 27, wherein

said first application is hosted by said first computer. (see Tunnel Builder for Mac User's

Guide, Chapter 1, see page 1-1 and 1-3, also see images)

28.   For claim 30, TunnelBuilder teaches, the system according to claim 27, wherein

at least one of at least said second application is hosted by a third computer that

communicates with said second computer. (see Tunnel Builder for Mac User's Guide,

Chapter 1, see page 1-1 and 1-3, also see images)

29.   For claim 31, TunnelBuilder teaches, the system according to claim 27, wherein

at least one of at least said second application is hosted by said second computer. (see

Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see

images)

30.   For claim 32, TunnelBuilder teaches, the system according to claim 27, wherein

said first computer transmits said data as encrypted data and said server transmits said

encrypted data to said second computer. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

31.   For claim 33, TunnelBuilder teaches, the system according to claim 27, wherein said first computer transmits a message to said server with an encrypted address of said second computer and wherein said server decrypts said encrypted address to an unencrypted address of said second computer and forwards said message to said second computer using said unencrypted address. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

32.   For claim 36, TunnelBuilder teaches, the system according to claim 27, wherein said first client communicates with said first application by an application programming interface. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

33.   For claim 37, TunnelBuilder teaches, the system according to claim 27, wherein said first client communicates with said first application by a proxy. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

34.   For claim 38, TunnelBuilder teaches, the system according to claim 27, wherein said first client communicates with said first application by sockets. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

35.   For claim 39, TunnelBuilder teaches, a method for transmitting information across a network between a first computer and a second computer comprising the steps of: receiving at said second computer from a server a header with encrypted information and an encrypted message, decrypting said encrypted information; decrypting said encrypted message, wherein said server received a previously encrypted address of said second computer, said server decrypted said previously encrypted address, and said server transmitted said encrypted message to said second computer using the decrypted address of said second computer. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

36.   For claim 40, TunnelBuilder teaches, the method according to claim 39, wherein said header includes at least one of an encrypted address, an encrypted size, an encrypted CRC, an encrypted header length, an encrypted message length, an encrypted asset identifier, an encrypted name of at least one client, and an encrypted application ID, an encrypted time and date stamp, an encrypted location ID, an encrypted message types, an encrypted attachment identifier, an encrypted packet number, and an encrypted pre-compressed data size for an associated message. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

37.   For claim 41, TunnelBuilder teaches, a method for transmitting information

across a network between a first computer and a second computer comprising the steps

of: receiving at said second computer from a server a header with encrypted information

and an encrypted message, decrypting said encrypted information; decrypting said

encrypted message, wherein said server received a previously encrypted address of

said second computer, said server decrypted said previously encrypted address, and

said server transmitted said encrypted message to said second computer using the

decrypted address of said second computer, and wherein at least one of said first

computer and said second computer are separated from said server by a firewall. (see

Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see

images)

38.   For claim 42, TunnelBuilder teaches, the method according to claim 41, wherein

said header includes at least one of an encrypted address, an encrypted size, an

encrypted CRC, an encrypted header length, an encrypted message length, an

encrypted asset identifier, an encrypted name of at least one client, and an encrypted

application ID, an encrypted time and date stamp, an encrypted location ID, an

encrypted message types, an encrypted attachment identifier, an encrypted packet

number, and an encrypted pre-compressed data size for an associated message. (see

Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see

images)

39.   For claim 43, TunnelBuilder teaches, a computer readable medium storing a program for transmitting information across a network between a first computer and a second computer, said program comprising the steps of: receiving at said second computer from a server a header with encrypted information and an encrypted message, decrypting said encrypted information; decrypting said encrypted message, wherein said server received a previously encrypted address of said second computer, said server decrypted said previously encrypted address, and said server transmitted said encrypted message to said second computer using the decrypted address of said second computer. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

40.   For claim 44, TunnelBuilder teaches, the computer readable medium according to claim 43, wherein said header includes at least one of an encrypted address, an encrypted size, an encrypted CRC, an encrypted header length, an encrypted message length, an encrypted asset identifier, an encrypted name of at least one client, and an encrypted application ID, an encrypted time and date stamp, an encrypted location ID, an encrypted message types, an encrypted attachment identifier, an encrypted packet number, and an encrypted pre-compressed data size for an associated message. (see Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

41.   For claim 45, TunnelBuilder teaches, a computer readable medium storing a

program for transmitting information across a network between a first computer and a

second computer, said program comprising the steps of: receiving at said second

computer from a server a header with encrypted information and an encrypted

message, decrypting said encrypted information; decrypting said encrypted message,

wherein said server received a previously encrypted address of said second computer,

said server decrypted said previously encrypted address, and said server transmitted

said encrypted message to said second computer using the decrypted address of said

second computer, and wherein at least one of said first computer and said second

computer are separated from said server by a firewall. (see Tunnel Builder for Mac

User's Guide, Chapter 1, see page 1-1 and 1-3, also see images)

42.   For claim 46, TunnelBuilder teaches, the computer readable medium according

to claim 45, wherein said header includes at least one of an encrypted address, an

encrypted size, an encrypted CRC, an encrypted header length, an encrypted message

length, an encrypted asset identifier, an encrypted name of at least one client, and an

encrypted application ID, an encrypted time and date stamp, an encrypted location ID,

an encrypted message types, an encrypted attachment identifier, an encrypted packet

number, and an encrypted pre-compressed data size for an associated message. (see

Tunnel Builder for Mac User's Guide, Chapter 1, see page 1-1 and 1-3, also see

images)

43.   Claims 1, 4, 5, 27, 34 and 35 are rejected under 35 U.S.C. 102(b) as being

anticipated by TunnelBuilder 4.01 for Windows Website.

44.   For claim 1, TunnelBuilder teaches, a system for establishing communications

across a firewall comprising:

a communications network;

a first server within said communications network; a first computer separated from said

communications network, said first computer sending information to said first server;

and,

a second computer separated from said communications network, said second

computer receiving information from said first server related to the information sent from

said first computer, wherein at least one of said first computer and said second

computer are separated from said communications network by at least one firewall. (see

www.nts.com website, Firewalls a problem? Looks like a job for ... SuperTunnel!)

45.   For claim 4, TunnelBuilder teaches, the system according to claim 1, wherein

said first computer further includes a first client and said second computer includes a

second client and wherein each of said first client and said second client use an open

port to access said communications network. (see www.nts.com website, Firewalls a

problem? Looks like a job for ... SuperTunnel!)

46.   For claim 5, TunnelBuilder teaches, the system according to claim 4, wherein said open port is at least one of port 80 and port 8080. (see www.nts.com website, Firewalls a problem? Looks like a job for ... SuperTunnel!)

47.   For claim 27, TunnelBuilder teaches, a system for transmitting information between a first computer and a second computer comprising: a first application; a first computer hosting a first client, said first client receiving data from said first application, said first computer transmitting said data to a server, said server forwarding said data to a second client residing on said second computer, said second client forwarding said data to at least a second application, wherein at least one of said first computer and said second computer are separated from said server by a firewall. (see www.nts.com website, Firewalls a problem? Looks like a job for ... SuperTunnel!)

48.   For claim 34, TunnelBuilder teaches, the system according to claim 27, wherein said first computer and said second computer each use an open port to access to said communications network. (see www.nts.com website, Firewalls a problem? Looks like a job for ... SuperTunnel!)

49.   For claim 35, TunnelBuilder teaches, the system according to claim 34, wherein said open port is at least one of port 80 and port 8080. (see www.nts.com website, Firewalls a problem? Looks like a job for ... SuperTunnel!)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

50.   Claims 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over the combination of TunnelBuilder and van der Sijpt (U.S. Patent 5,802,293).

51.   For claim 6, 9, 10, TunnelBuilder teaches, a system for establishing

communications across a firewall comprising:

a communications network;

a first server within said communications network; a first computer separated from said

communications network, said first computer sending information to said first server;

and,

a second computer separated from said communications network, said second

computer receiving information from said first server related to the information sent from

said first computer, wherein at least one of said first computer and said second

computer are separated from said communications network by at least one firewall. (see

Tunnel Builder for Mac User's Guide, Chapter 1, see images pages 1-2, 1-3)

TunnelBuilder fails to teaches, the system according to claim 1, further comprising a

second server that operates in the event of an error with said first server.

Additionally, TunnelBuilder fails to teaches, the system according to claim 1, further comprising a second server, said second server being connected to said network, wherein said second server replaces said first server when an error occurs between said first server and at least one of said first computer and said second computer.

Additionally, TunnelBuilder fails to teaches, the system according to claim 1, further comprising a second server, said second server being connected to said network, wherein said second server replaces said first server when an error occurs with said first server.

52.   Van der Sijpt teaches, the system according to claim 1, further comprising a second server that operates in the event of an error with said first server. (see van der Sijpt, Col. 16 lines 25-35)

53.   Additionally, van der Sijpt teaches, the system according to claim 1, further comprising a second server, said second server being connected to said network, wherein said second server replaces said first server when an error occurs between said first server and at least one of said first computer and said second computer. (see van der Sijpt, Col. 16 lines 25-35)

54. Additionally, van der Sijpt teaches, the system according to claim 1, further comprising a second server, said second server being connected to said network, wherein said second server replaces said first server when an error occurs with said first server. (see van der Sijpt, Col. 16 lines 25-35)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of TunnelBuilder with the method of can der Sijpt, because it provides for an interface under multiple computer environments. (see van der Sijpt, Col. 2 lines 38-43)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M Bhatia whose telephone number is 703-605-4344. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

AB

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PRIMARY EXAMINER